



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,359	01/28/2004	Hiroaki Kishioka	Q79404	1537
23373	7590	11/14/2006	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			ZIRKER, DANIEL R	
			ART UNIT	PAPER NUMBER
			1771	

DATE MAILED: 11/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/765,359

Applicant(s)

KISHIOKA ET AL.

Examiner

Daniel Zirker

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Art Unit: 1771

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1,2, and 4-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More particularly, it is still unclear whether or not claim 1 in its present form reads on just a double sided psa sheet, or from the language "being stuck..." in line 3 and line 4 whether each of the objects to which the sheet is stuck are in fact part of the claimed genus of articles. Note also that claim 2 should read "three to five..." because the embodiment encompassed by "at least two" psa layers is already claimed in claim 1.
3. Claims 1,2, and 4-6 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for all of the claim limitations except the attaining of optical isotropy, does not reasonably provide enablement for the attainment of optical isotropy for the reasons most recently set forth in paragraph No. 2 of Paper No. 050206. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims. More particularly, in addition to what has been previously set forth, applicants' remarks (Response, page 5, 1st complete paragraph) fail to prove their position on the record, as they are mere attorney's allegations without any sort of proper support or authority, at least some of which are believed to have been previously addressed by the Examiner on the record.

Art Unit: 1771

4. Claims 1,2,4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP '781 Patent Abstract. The reference, upon careful inspection and particularly in light of certain of applicant's comments made during the prosecution, teaches a thin (the thickness is not stated, but believed to be at least very close to the claimed range of 50 microns) transparent layer 7 of acrylic adhesive, which from applicants' earlier remarks during the prosecution appears to be more than sufficient to read upon a two layer acrylic adhesive article (e.g. two layers of similar or identical composition which are adhered together to form a single layer) which "does not have a substrate".

Additionally, such a layer according to applicants also possesses optical isotropy, and if the believed recitations of intended usage in lines 2-5 of claim 1 are either to be given, or not given patentable significance also meets these limitations regarding the potential or actual attachment of being bonded to various panels. As to the claim 1 requirement that each of the adhesive layers is chosen from what the Examiner believes is a certain extremely well known class of acrylic adhesives the fact that the claimed acrylic adhesive layer is generally a single, presumably constant composition (i.e. apparently a variation of the composition of the well known Ulrich Reissue patent) would, for purposes of obviousness, clearly put this well within the ordinary skill of the art. With respect to the dependent claims the specific number of layers (claim 2) and the adhesive strength performance parameter of claim 4 are each believed to be, if not inherent, then at most an obvious modification to one of ordinary skill, in the absence of unexpected results.

Art Unit: 1771

5. Claims 1,2,4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kishioka, taken either individually, or in view of JP Abst '781, substantially for reasons of record as most recently stated in paragraph No. 3 of paper No. 050206, together with the following additional observations. Note that the acrylic adhesive layers do not have to have exactly the same composition, i.e. the "same kind of monomer" is all that is required for the "major monomer". Such is clearly put within the skill of the art by the disclosure of paragraph [0039] (listing a wide variety of closely related and clearly relevant acrylic psa's), and also [0065] (expressly teaching in certain embodiments the use of a plurality of adhesive layers which do not require the presence of a central layer or sheet), and as such clearly overcomes applicants' remarks (paragraph bridging pages 5-6) that "Kishioka neither describes or suggests that at least two psa layers are used as in the present invention". In summary, applicants have failed to rebut the **prima facie** case of record.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Zirker whose telephone number is 571-272-1486. The examiner can normally be reached on Monday - Thursday from 8:30 to 6:00. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on 571 - 272 - 1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

Art Unit: 1771

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Daniel Zirker
Primary Examiner
Art Unit 1771

A handwritten signature in black ink that reads "Daniel Zirker". The signature is written in a cursive style with a large, stylized 'Z'.